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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CHARLEE HARGIS, individually,
and on behalf of all others similarly
situated,

Plaintiff,

v.

G & A SNACK DISTRIBUTING,
INC, a.k.a. G and A SNACK
DISTRIBUTING, INC.;
SOH DISTRIBUTION COMPANY,
INC.; and DOES 1 through 50,

Defendants.

Case No. 8:09-cv-00685-AG (MLG)

CLASS ACTION

**PLAINTIFF'S RESPONSE TO
MOTION TO DISMISS AND FOR
MORE DEFINITE STATEMENT;
NOTICE OF SETTLEMENT**

Honorable Andrew J. Guilford,
Courtroom 10D

Complaint Filed: May 5, 2009

Trial Date: Not set yet.

**Hearing Date: August 31, 2009
10:00 a.m.**

1 This case has been settled, as explained below. Therefore, upon defendants'
2 Motion to Dismiss, or In the Alternative, Transfer Venue, the Court should transfer
3 this case to the Middle District of Pennsylvania, but not dismiss the case. In emails
4 between counsel for plaintiff and counsel for defendants, counsel for defendants
5 have stated they are in accord with this transfer as opposed to dismissal. Counsel
6 for defendants are now considering the language of a stipulation to that effect.

7 A case similar to the present one is pending in the United States District
8 Court for the Middle District of Pennsylvania. The Pennsylvania case was filed
9 before the present one. The parties in the Pennsylvania case had one mediation
10 session in or about July, 2009.

11 On August 11, 2009, the parties in this case and the parties in the
12 Pennsylvania case participated in a mediation in New York City, which resulted in
13 terms for a nationwide settlement, to be set forth in a written settlement agreement.

14 The settlement contemplates the filing of a consolidated complaint, and
15 settlement proceedings to be held before District Judge presiding over the case in
16 the Middle District of Pennsylvania.

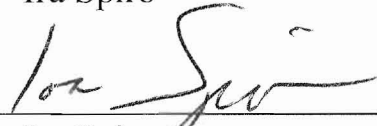
17 Thus, pursuant to the settlement, and in order to facilitate it, this case should
18 not be dismissed, but should be transferred to the Middle District of Pennsylvania.

19 Respectfully submitted,

20 August 19, 2009.

GIGLIOTTI & GIGLIOTTI, LLP
Joseph J. Gigliotti

22 SPIRO MOSS, LLP
23 Ira Spiro

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25 _____
26 Ira Spiro
27 Attorneys for Plaintiff
28 CHARLEE HARGIS